

October 9, 2003

Exemption No. 8137
Regulatory Docket No. FAA-2003-14582

Mr. Joseph Milton
Chief Pilot
Brainerd Helicopters, Inc.
8850 Airport Road
Leesburg, FL 34788

Dear Mr. Milton:

By letter filed on February 24, 2003, you petitioned the Federal Aviation Administration (FAA) on behalf of Brainerd Helicopters, Inc. (BHI) for an exemption from §§ 133.33(d) and (e), and 133.45(d) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow BHI to operate its Sikorsky S70C helicopters (N70C and N2FH), a restricted-category helicopter, in external-load operations.

The FAA issued a denial of exemption in circumstances similar in all material respects to those presented in your petition. In Denial of Exemption No. 6934 (copy enclosed), the FAA found that although Joe Brigham, Inc. (JBI) stated it would operate under an approved Congested Area Plan (CAP), JBI cannot ensure an equivalent level of safety will be maintained with a rotorcraft not type certificated under part 27 or part 29. The civil rotorcraft certification process itself provides the FAA with a measure of the level of safety such an aircraft possesses. In contrast, the petitioner's restricted-category helicopter did not undergo such a process and thus, the FAA is not convinced that an equivalent level of safety can be achieved.

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed denial of exemption. In addition, I have determined that the reasons stated by the FAA for denying the enclosed

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exemption also apply to the situation you present. Accordingly, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, the petition of Brainerd Helicopters, Inc., for an exemption from 14 CFR §§ 133.33(d) and (e), and 133.45(d) is hereby denied.

Sincerely,

/s/

Steven W. Douglas
Acting Director, Flight Standards Service